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C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 003633

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SUBJECT: JUSTICE MINISTER: U.S. HUMAN RIGHTS REPORT FLAWED,
KUWAIT TOUGH ON TERROR, AND WOMEN'S RIGHTS WILL HURT KUWAIT

Classified By: Ambassador Richard LeBaron for reason 1.4 (b) and (d)

[11](#). (C) Summary: During a meeting with the Ambassador on October 23, Justice Minister Ahmed Baqer disputed U.S. claims of a corruptible judiciary, increased censorship, and preferential treatment of Kuwaiti nationals and discussed what he sees as numerous mistakes in the 2003 Department Report on Human Rights Practices in Kuwait. He said the Palestinian issue will continue to reduce support for U.S. counterterrorism policies. Baqer, the only Salafi Islamist in the Cabinet, opined that Kuwaiti society would be harmed if women gain their political rights. End Summary.

Much in the Human Rights Report "Baseless"

[12](#). (SBU) In a frank but friendly October 23 meeting with Ambassador LeBaron, Justice Minister Ahmed Baqer challenged the contention in the 2003 Human Rights Report, that the Amir has direct oversight of the judiciary and can influence decisions. He defended Kuwait's position by repeatedly insisting that the Kuwait judiciary is independent and is free of all influence and corruption. He explained that even he, as Justice Minister, cannot talk to a judge regarding any case and added even the family of the Amir loses court cases.

[13](#). (C) The Minister disputed many other items in the Report, such as legal favoritism of citizens over non-citizens and denied that anyone had been tortured while in custody. He also argued that the draft press and publications law will not increase censorship. (Note: The new draft press law, if passed, will significantly increase fines and prison sentences for journalists who defame the prophets and the Amir. End Note.) Responding to the Ambassador's comment that laws on the books need to be properly enforced, the Minister replied it was hard to imagine that Kuwait has any law that goes unenforced. (Comment: In Post's observation, many laws are ignored in practice here from seatbelt regulations to constitutional guarantees of religious and political freedom. End Comment.) Baqer contended that certain issues mentioned in the report concerning religious matters such as inheritance and marriage law cannot be changed because they are in the Qur'an. Baqer presented the Ambassador with a bound copy of the Justice Ministry rebuttal of the Department's Human Rights Report.

Kuwait Is Strong On Terror

[14](#). (C) Responding indirectly to the Ambassador's concerns of a perceptible gap between the U.S. and Kuwaiti approach to combating terrorism, the Justice Minister remarked that the decision to convict suspected terrorists is in the hands of the "independent" judiciary. Baqer assured the Ambassador Kuwait has good strong laws in this area, some of which call for capital punishment. The Minister explained that should a minor be convicted of a crime for which an adult would be sentenced to death, the minor, instead of receiving capital punishment would be sentenced to ten years imprisonment, and there is an effort underway to increase the term to 15 years.

[15](#). (C) Baqer further explained that the U.S. cannot eliminate terrorism unless U.S. policy regarding the Palestinians changes. He remarked that no Muslim will ever support the Israeli occupation and he further argued Israel should expect to be attacked because it occupies "other peoples' land." He counseled that many in the Muslim world will continue to oppose U.S. policy because America "completely supports Israel." The Ambassador reminded the Justice Minister that despite the difficulties of the Arab-Israeli Peace Process, the U.S. strongly supports a two-state solution.

A Women's Place Is In The Home

[16](#). (C) The Justice Minister, who is also an elected Member of Parliament (MP) and vocally opposes granting women their political rights, offered his opinion on the future of women's rights in Kuwait. (Note: In May, the Cabinet approved a draft bill granting women the right to vote and run for office in National Assembly elections. The bill is scheduled to be addressed during the Parliamentary session, which opens October 26. End Note.) Baqer characterized the

family as the most important element in Kuwaiti society and said although men and women both share family responsibilities, a woman's place is in the home. He argued that taking women out of the home and putting them into politics ultimately hurts the family and insisted that Kuwait has many other problems, such as crime and narcotics, which can be traced to emulation of Western lifestyles. He further stated that the man's vote represents his entire family and giving women voting rights will only provide men with two votes because the wife will vote according to her husband's wishes. (Comment: Baqer, a Salafi who voted against the 1999 women's rights initiative as an MP, may abstain from voting because of his Cabinet position should the women's rights bill make it to the floor of Parliament. If, however, he chooses to vote his conscience, it would mean breaking Cabinet solidarity and creating a dilemma for the Prime Minister: allow Baqer to vote as he pleases or publicly acknowledge that his government does not fully support his commitment to equal political rights for women. End Comment.)

Baqer's Future Unknown

17. (C) With constant talk in local press about the probability of another season of National Assembly "grillings"--the process of interrogation of Cabinet Ministers through which they can be ousted by a Parliamentary vote--the Minister's future is likely to include such an interpellation. Baqer candidly informed the Ambassador he has no plans to leave his current post but said that no one really knows what will happen. He remarked that Prime Minister Shaykh Sabah Al-Ahmad recently told the Cabinet that he had no plans to change its composition, but Baqer pointed out the National Assembly has power of its own to decide these matters. He expects to be grilled.

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LeBaron